UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/36
18 December 1989

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 17 (b) of the provisional agenda

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
	Introduction	1 - 6	1
I.	COMMISSION ON HUMAN RIGHTS.....	7 - 12	1
II.	ECONOMIC AND SOCIAL COUNCIL	13 - 18	2
III.	SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES	19	4
IV.	GENERAL ASSEMBLY	20 - 26	4
V.	THE CO-ORDINATOR	27 - 43	6
	A. Inter-agency co-ordination	29 - 34	6
	B. Co-operation with non-governmental organizations	35	7
	C. Round-table discussion on United Nations promotion and protection of human rights, especially in the fight against racism	36 - 37	8
	D. Contribution to other meetings	38 - 43	8

GE.90-10089/1461B

CONTENTS (continued)

		Paragraphs	Page
VI.	SEMINARS AND TRAINING COURSES	44 - 52	9
	A. Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States	44	9
	B. Seminar on cultural dialogue between the countries of origin and the host countries of migrant workers	45 - 50	9
	C. Seminar on the political, historical, economic, social and cultural factors contributing to racism and racial discrimination and apartheid	51	15
	D. Other seminars, training courses or workshops	52	15
VII.	NATIONAL LEGISLATION AND INSTITUTIONS	53 - 60	15
	A. Global compilation of national legislation against racial discrimination	57 - 58	17
	B. "Model legislation" and other elements in promoting national legislation and institutions	59 - 60	17
VIII.	TRUST FUND FOR THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION	61 - 63	18
IX.	PLAN OF ACTIVITIES OF THE SECOND DECADE	64 - 72	18
	A. Plan of activities for 1985-1989	64 - 67	18
	B. Plan of activities for 1990-1993	68 - 72	19
X.	DOCUMENTATION	73 - 75	21

Introduction

1. The General Assembly, in its resolution 38/14 of 22 November 1983, proclaimed the 10-year period beginning on 10 December 1983 the Second Decade to Combat Racism and Racial Discrimination. The Assembly also approved the Programme of Action for the Second Decade annexed to the resolution, and called upon all States to co-operate in its implementation. The Assembly also requested the Economic and Social Council to take charge, with the help of the Secretary-General, of co-ordinating the implementation of the Programme of Action and of evaluating the activities undertaken during the Second Decade.

2. The Programme of Action for the Second Decade covers inter alia: action to combat apartheid; education, teaching and training; dissemination of information and the role of the mass media in combating racism and racial discrimination; measures for the promotion and protection of the human rights of persons belonging to minority groups, indigenous populations and peoples and migrant workers who are subjected to racial discrimination; recourse procedures for victims of racial discrimination; implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 (XX) A, of 21 December 1965, annex) and related international instruments; national legislation and institutions; seminars and studies; action by non-governmental organizations; and international co-operation.

3. The General Assembly, by its resolution 39/16 of 23 November 1984, invited the Secretary-General to proceed with the implementation of the plan of activities for the period 1985-1989 for the implementation of the Programme of Action for the Second Decade (see A/39/167-E/1984/33 and Add.1-2).

4. By its resolution 42/47 of 30 November 1987, the General Assembly urgently requested the Secretary-General to ensure the effective and immediate implementation of the activities proposed for the first half of the Decade which had not yet been undertaken, approved the plan of activities proposed for the period 1990-1993 contained in the annex to the resolution, and invited the Secretary-General to proceed with the implementation of the plan.

5. The Commission on Human Rights, by its resolution 1985/11 of 26 February 1985, requested the Secretary-General to inform it annually of the progress made in carrying out the plan of activities for the period 1985-1989 so that it could make its contribution thereto. In its resolution 1989/9 of 23 February 1989, the Commission reiterated this request and made a similar request to the Secretary-General in connection with the plan of activities for the period 1990-1993.

6. The present report has been prepared in accordance with the foregoing requests.

I. COMMISSION ON HUMAN RIGHTS

7. By its resolution 1989/9, the Commission on Human Rights urged all States and international organizations to co-operate with the Secretary-General in the implementation of the plan of activities for the period 1985-1989, and appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade

for Action to Combat Racism and Racial Discrimination, so as to enable the Secretary-General to implement the various programme elements outlined in the plan of activities for 1990-1993. The Commission also requested the Secretary-General to inform it annually of the progress made in carrying out the plan of activities for the period 1985-1989 (A/39/167-E/1984/33 and Add.1 and 2), so that the Commission could make its contribution thereto.

8. The Commission further took note with satisfaction of General Assembly resolution 43/91 of 8 December 1988, in which the Assembly requested the Economic and Social Council to submit annual reports to it on the activities undertaken to achieve the objectives of the Decade.

9. The Commission also decided to give thematic consideration, each year, to a selected topic within the plan of activities for 1990-1993, as listed in the annex to General Assembly resolution 42/47 of 30 November 1987, and decided that the topic for 1991 should be "Ways and means of denying support to racist régimes with a view to making them change their policies".

10. The Commission welcomed the results of the global consultation on racism and racial discrimination organized by the Secretary-General and held at Geneva from 3 to 6 October 1988 (A/C.3/43/CRP.1), and requested the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives.

11. In addition, the Commission emphasized the importance of adequate recourse procedures for victims of racism and racial discrimination and requested the Secretary-General, in the light of the results of the seminar held on that topic, to prepare and finalize, with the appropriate assistance of qualified experts if possible, a handbook of recourse procedures, and invited all Governments and international non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of those evils.

12. The Commission invited the Secretary-General to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47 and further invited him to ensure the effective implementation of those activities proposed for the first half of the Decade that had not yet been undertaken.

II. ECONOMIC AND SOCIAL COUNCIL

13. During its first regular session of 1989, the Economic and Social Council considered the item entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination". The Council examined the reports of the Secretary-General in connection with its consideration of that item, as follows:

(a) Annual report by the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/1989/42 and Add.1-4); this report, in addition to

READEX FICHE

information supplied by Governments, includes information about activities within the United Nations system, and information submitted by regional organizations and non-governmental organizations in consultative status;

(b) Results of the global consultation on racism and racial discrimination organized by the Secretary-General and held at Geneva from 3 to 6 October 1988 (E/1989/48).

14. The Council adopted resolution 1989/83 of 24 May 1989, in which it reaffirmed the importance of achieving the objectives of the Second Decade and the necessity of co-ordinating the full range of programmes being implemented by the United Nations system as they related to the objectives of the Second Decade.

15. The Council invited the Secretary-General to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47, and requested him, in that context, to accord the highest priority to measures to combat apartheid.

16. The Council further invited all Governments to take or continue to take all necessary measures to combat all forms of racism and racial discrimination and to support the work of the Second Decade by making contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination. The Council also decided, as a matter of priority, to give particular attention to the specific activities of the Programme of Action for the Second Decade that were directed towards the elimination of apartheid, in view of the explosive situation in southern Africa.

17. In the same resolution, the Council requested the Secretary-General to ensure the effective and immediate implementation of those activities proposed for the first half of the Decade that had not yet been undertaken, in particular the 1989 seminar on cultural dialogue between the countries of origin and the host countries of migrant workers, and invited him to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47, and, in that context, to accord the highest priority to measures to combat apartheid. The Council also emphasized the importance of information activities in combating racism and racial discrimination and in mobilizing public support for the objectives of the Second Decade and, in that context, commended the efforts of the Co-ordinator for the Second Decade.

18. The Council welcomed the results of the global consultation on racism and racial discrimination organized by the Secretary-General and held at Geneva from 3 to 6 October 1988, and took note with appreciation of the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, in particular the recommendations contained therein. Furthermore, the Council requested the Secretary-General, in his reports, to continue to pay special attention to the situation of migrant workers and their families.

III. SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

19. At its forty-first session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities examined the question of the Second Decade to Combat Racism and Racial Discrimination and adopted resolution 1989/19 of 31 August 1989, in which it expressed its appreciation and grateful thanks to the Special Rapporteur, Mr. A. Eide, for his valuable, wide-ranging and enduring study on the achievements made and obstacles encountered during the Decade to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1989/8), and decided to refer the study, together with the summary records of the debates on that issue at the forty-first session of the Sub-Commission, to the Commission on Human Rights for further consideration. The Sub-Commission also strongly recommended to the Commission that the final report of the Special Rapporteur be published and distributed on as wide a scale as possible and decided to consider further, at its forty-second session the recommendations made by the Special Rapporteur and their implementation.

IV. GENERAL ASSEMBLY

20. At its forty-fourth session, the General Assembly, in connection with its consideration of the agenda item on the implementation of the Programme of Action for the Second Decade, had before it the two reports originally submitted to the Economic and Social Council at its first regular session of 1989 (see para. 13 above). In addition, the Assembly had before it the following documents:

(a) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination: report of the Secretary-General (A/44/595);

(b) Study on the role of private group action to combat racism and racial discrimination: report of the Secretary-General (A/44/575);

(c) Global compilation of national legislation against racial discrimination: note by the Secretary-General (A/44/574).

21. After consideration of the reports of the Secretary-General on the implementation of the Programme of Action for the Second Decade, the General Assembly adopted resolution 44/52 of 8 December 1989. The Assembly decided that the international community in general and the United Nations in particular should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid, and to intensify their efforts, during the Second Decade, to provide assistance and relief to the victims of racism and all forms of racial discrimination and apartheid, especially in South Africa and Namibia and in occupied territories and territories under alien domination. It appealed to all Governments and to international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of those evils.

22. The General Assembly took note of the reports submitted by the Secretary-General containing information on the activities of Governments, specialized agencies, regional intergovernmental organizations and

non-governmental organizations as well as of United Nations organs, to give effect to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (A/44/477, A/44/574, A/44/575, A/44/595 and A/44/617). It also took note of the reports of the Secretary-General on the study on the role of private group action to combat racism and racial discrimination (A/41/550, A/43/631 and A/44/575).

23. It also noted and commended the efforts made to co-ordinate all the programmes currently under implementation by the United Nations system relating to the objectives of the Decade and encouraged the Co-ordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts.

24. In addition, the General Assembly noted with satisfaction the holding of the seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States, and the seminar on cultural dialogue between the countries of origin and the host countries of migrant workers, and requested the Secretary-General to give the reports on the seminars (E/CN.4/1989/22 and A/44/595, paras. 52-62) wide distribution among Governments, competent United Nations bodies, specialized agencies, other intergovernmental organizations and non-governmental organizations. It also noted the decision (A/44/574, para. 8) to publish the global compilation of national legislation against racism and racial discrimination and requested the Secretary-General to transmit this publication to Governments as soon as possible, and welcomed the completion and the submission to the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the study of the results achieved and the obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination and during the first half of the Second Decade, and requested the Commission on Human Rights to transmit that study to the General Assembly at its forty-fifth session.

25. The General Assembly requested the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of such discrimination, and renewed its invitation to UNESCO to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education. The General Assembly emphasized again the importance of adequate recourse procedures for victims of racism and racial discrimination, and therefore requested the Secretary-General once again, in the light of the results of the seminars held on this topic, to prepare and finalize, with the assistance of experts in this field, a handbook of recourse procedures. It also requested the Secretary-General to prepare and issue as soon as possible a collection of model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination.

26. Furthermore, the General Assembly invited the Secretary-General to implement immediately those activities for the period 1985-1989 that had not yet been carried out and proceed with the implementation of the activities scheduled for the biennium 1990-1991, and affirmed once again the need for the

implementation of the plan of activities proposed for the period 1990-1993 contained in the annex to General Assembly resolution 42/47. The Assembly also strongly appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination and, to that end, requested the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions.

V. THE CO-ORDINATOR

27. The General Assembly, in paragraph 5 of its resolution 43/91 of 8 December 1988, took note of the efforts made to co-ordinate the programmes currently under implementation by the United Nations system as they related to the objectives of the Second Decade, and encouraged the Co-ordinator for the Second Decade, Mr. Jan Martenson, to continue his efforts in that respect.

28. Pursuant to that mandate, the Co-ordinator has initiated and maintained contacts at the senior level within the various offices of the United Nations with a view to co-ordinating the activities already under way or planned, and in order to identify areas in which new initiatives might be taken. Particular mention in this regard should be made of co-operation with the Centre against Apartheid and the Centre on Transnational Corporations.

A. Inter-agency co-ordination

29. In order to improve co-ordination, the Co-ordinator, with the strong support of the Secretary-General, raised the question of the implementation of the Programme of Action for the Decade with the executive heads of the specialized agencies during the April 1988 session of the Administrative Committee on Co-ordination (ACC) at Geneva. The Co-ordinator reviewed the United Nations programme against racism and suggested both a strengthening of each agency's own programme and an improvement in inter-agency co-ordination. The Co-ordinator expressed the hope that ACC would be able to keep the matter under review and develop the appropriate means to achieve improvement in co-operation in order to strengthen Decade-related activities where they existed and foster activities against racism in those areas where they did not yet exist.

30. This matter was also discussed at the Committee's second regular session for 1989, held on 19 and 20 October 1989 in New York. Under the item "Progress reports: (b) Inter-agency activities undertaken in the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination", the Co-ordinator reported on recent progress in this field and made specific recommendations for future action.

31. Regular meetings by the Co-ordinator with the media is another important way of making the United Nations role in the combat against racism better known and of mobilizing public support for the objectives of the Second Decade. In addition to periodic meetings with the press, the Co-ordinator has on numerous occasions spoken of the fight against racism and racial discrimination in television and radio interviews on stations world wide and in United Nations broadcasts.

32. On 20 March 1989, in the context of the observance of the International Day for the Elimination of Racial Discrimination, the Co-ordinator met with journalists at the Palais des Nations at Geneva to review recent developments in the fight against racism and to enlist their support in stressing the evil nature of racial discrimination and in making the activities of the United Nations against racism better known throughout the world. The Co-ordinator referred to the International Day for the Elimination of Racial Discrimination as one of the most important days in the United Nations calendar, as it was a day dedicated to the reaffirmation of the commitment to fight, and eventually eliminate, the evils of racism and racial discrimination. This was a struggle, he said, that had gone on since the foundation of the United Nations and one which, each year, had gained increasing importance as the negative impact of racism and racial discrimination was more clearly seen not only on the enjoyment of human rights but on many other areas of United Nations activities, including the maintenance of international peace and security and economic and social development.

33. The Co-ordinator also said that it should be kept in mind that racism and racial discrimination were serious and fundamental denials of basic human dignity which negated the very essence of the Universal Declaration of Human Rights. Racism inevitably led to violations of human rights such as torture and illegal executions, as those in power sought by all means to impose discrimination on others. The system of apartheid was the most heinous form of racism and one to which the United Nations had given increasing attention. Racism also threatened the dignity and human rights of members of such groups as migrant workers, indigenous populations and minorities, and it was on this very broad front that the United Nations was continuing its fight against discrimination.

34. The Co-ordinator also reviewed with the press the implementation of the overall programme of activities, including recently completed activities and those scheduled for the coming year, and asked the assistance of the press in making United Nations efforts on behalf of equality, human dignity and non-discrimination better known.

B. Co-operation with non-governmental organizations

35. The strengthening of contacts and co-operation with non-governmental organizations is another priority area for the Co-ordinator in furthering the realization of the Programme of Action for the Second Decade. The concern of non-governmental organizations with racism and racial discrimination has been amply demonstrated by their active participation in meetings, conferences and seminars organized in the context of the Decade. In particular, the important contribution of non-governmental organizations to the success of the global consultation and of the seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States merits recognition. The Co-ordinator meets periodically with the non-governmental organizations concerned to discuss and expand their activities in this field.

C. Round-table discussion on United Nations promotion and protection of human rights, especially in the fight against racism

36. In order to emphasize the essential connection between the United Nations and the fight against racial discrimination, the Co-ordinator, in his capacity as Under-Secretary-General for Human Rights and Director General of the United Nations Office at Geneva, organized a round-table discussion at Geneva on 22 October 1989, in observance of United Nations Day, on the role of the United Nations in the promotion and protection of human rights, with specific reference to the fight against racism and racial discrimination. This public discussion, which took place in the context of an "open day", when some 12,000 members of the public visited the Palais des Nations, and under the chairmanship of the Co-ordinator, attracted a capacity audience in one of the largest meeting rooms at the Palais des Nations.

37. The following persons participated as panelists: H.E. Mr. Veniamine F. Yakovlev, Minister of Justice of the USSR; H.E. Mr. Morris B. Abram, Permanent Representative of the United States of America to the United Nations, Geneva; H.E. Mr. Kojo Amoo-Gottfried, Permanent Representative of the Republic of Ghana to the United Nations, Geneva; Mr. Ghassan Arnaout, Director of the Division of Refugee Rights and Doctrine, UNHCR; Mrs. Anne Herdt, President of the Sub-Committee on the Status of Women, Human Rights Special Committee of Non-Governmental Organizations; and Mr. John Pace, Representative of the Executive Bureau of the Personnel Co-ordination Council.

D. Contribution to other meetings

38. The Co-ordinator's contribution to the seminar on "Education against apartheid" of the international non-governmental organizations, which took place at Geneva from 4 to 6 September 1989, set out United Nations activities against racism, racial discrimination and apartheid. The seminar was organized by the Non-Governmental Organizations Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization, in co-operation with the United Nations Special Committee against Apartheid and with the participation of the Centre for Human Rights. United Nations bodies, international and national non-governmental organizations, interested intergovernmental organizations, educators, journalists, institutes and anti-apartheid movements, and representatives of national liberation movements of South Africa, participated in the seminar.

39. The seminar focused its discussion on the following issues relevant to the ongoing Decade activities: review of the situation in South Africa, international response to it and reflection of it in international educational systems and programmes; review of anti-apartheid action in the framework of formal educational institutions and the implications for teachers and students; impact of conferences, seminars, workshops, etc., on education against apartheid; mobilization of the public through the media, religious bodies, activities of non-governmental organizations and other channels of communication, and exchange of ways and means to promote world-wide education on/against apartheid and support for the liberation struggle in South Africa.

40. The seminar adopted a number of important proposals and recommendations for immediate action to enhance the struggle against apartheid. The Centre for Human Rights will keep these recommendations closely in mind in connection with the Centre's general work programme and, in particular, in relation to the activities related to the Second Decade.

41. Public hearings on transnational corporations in South Africa and Namibia took place on 4 and 5 September 1989 at Geneva (see A/44/576-S/20867). The hearings, by the 11-member panel of eminent persons, were organized by the United Nations Centre on Transnational Corporations, and dealt with such subjects as sanctions and disinvestment trends, financial matters, business views and labour views.

42. In the Co-ordinator's contribution, the panel was informed of the various activities supported or carried out by the Centre for Human Rights relating to the elimination of apartheid. Specific attention was given to the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa compiled annually by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Ahmed Khalifa, as well as to the work of the Ad hoc Working Group of Experts on Southern Africa, which reported annually to the Commission on Human Rights, and to the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid by the Commission on Human Rights.

43. In connection with these hearings, a special exhibition, opened by the Co-ordinator, was held at the Palais des Nations, Geneva, drawing attention to the practice of apartheid.

VI. SEMINARS AND TRAINING COURSES

A. Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States

44. In its resolution 1989/34, the Commission on Human Rights took note of the report of the seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States (E/CN.4/Sub.2/1989/22) and requested the Secretary-General to give the report wide distribution among Governments, competent United Nations bodies, specialized agencies, other intergovernmental organizations and non-governmental organizations. Pursuant to that request, the report of the seminar has been published in booklet form in connection with the World Campaign for Human Rights (HR/PUB/89/5).

B. Seminar on cultural dialogue between the countries of origin and the host countries of migrant workers

45. The General Assembly, in its resolution 41/94 of 4 December 1986, requested the Economic and Social Council to envisage the organization of a seminar on cultural dialogue between the countries of origin and the host countries of migrant workers within the programme of activities for 1985-1989 to implement the Programme of Action for the Second Decade. That request was

repeated by the Assembly in its resolution 42/47 of 30 November 1987, and the Economic and Social Council, at its first regular session of 1988, in resolution 1988/6, requested the Secretary-General to organize such a seminar in 1989. At the invitation of the Greek Government, the seminar took place in Athens, Greece, from 18 to 26 September 1989. The agenda of the seminar was as follows:

1. Effectiveness of international norms and practical measures aimed at the acceptance of basic principles relating to the treatment and protection of migrant workers and their families;

2. Exchange of information on the cultural life of migrant workers and their families between the States of origin and the host countries of migrant workers and their families;

3. Experience in the establishment of institutions and/or procedures in the States of origin and the host countries for the special needs, including social, health and other services, of migrant workers and their families;

4. Discrimination experienced by migrant workers and their families with regard to educational facilities, teaching programmes and school curricula;

5. Participation in public affairs, including the right to vote and to be elected, as well as the right to freedom of association and the right to join trade unions, in the host countries and their States of origin.

46. Participants were nominated by the Governments of Algeria, Australia, Brazil, Cyprus, France, Federal Republic of Germany, Ghana, Greece, India, Mexico, Morocco, Netherlands, Norway, Philippines, Poland, Portugal, Senegal, Spain, Sweden, Switzerland, Turkey, Tunisia, Union of Soviet Socialist Republics and Yugoslavia. The Centre for Human Rights invited the following four experts to lecture, lead discussions and act as resource persons: Mr. Danilo Türk (Yugoslavia), Mrs. Erica-Irene A. Daes (Greece), Mr. Tom Achacoso (Philippines) and Mr. Bengt Lidal (Sweden). The seminar elected Mrs. Erica-Irene A. Daes as chairman.

47. In his opening statement to the seminar, the Co-ordinator for Second Decade activities and Under-Secretary-General for Human Rights placed the seminar within the overall efforts of the United Nations to combat racism and racial discrimination and the specific need to provide protection for the particularly vulnerable group of migrant workers and their family members. He referred to the importance of international activities relating to the protection of the human rights of migrant workers and their families and stated that, by focusing on practical ideas and effective approaches, the seminar could provide a highly positive contribution to the process of policy formulation and implementation. He thus welcomed the exchange of information and experience that would take place during the seminar, in the hope that this would promote better understanding between host countries and countries of origin, and thus generate both more humane and more effective follow-up action.

48. The seminar adopted the following conclusions and recommendations: */

A. Conclusions

1. There is a body of international norms relating to the treatment and protection of migrant workers and their families: the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of Racial Discrimination and other relevant United Nations human rights instruments.

2. A number of conventions are relevant to the subject-matter. A number of relevant instruments of intergovernmental organizations adopted at the regional level can also be taken into consideration.

3. The fundamental principle of equality and non-discrimination regarding universally applicable human rights is the basis for the protection of migrant workers and their families.

4. Different treatment, as such, may in certain cases be lawful, but only: (a) if the distinction is made in pursuit of a legitimate objective; (b) if the distinction does not lack an objective justification; (c) provided that reasonable degrees of proportionality exist between the means and the aims to be achieved.

5. Recognition of the importance of evolving international standards relating to migrant workers must not mean the mere restatement of basic human rights, but must lead to policy goals and guidelines for States which facilitate the realization of human rights. Those standards should be both attainable and relevant.

6. Governments of host countries should recognize the importance of evolving international standards in respect of a procedural framework based on the process and rule of law, which will provide basic legal guarantees in those matters that are of greatest concern to migrant workers. Particular attention should be given to the issues of termination of employment, non-renewal of work permits and non-expulsion. Particular attention should also be given to the situation of members of the families of migrant workers living in the host country, in the event of divorce or death of the migrant worker.

7. Culture is not a static but a dynamic phenomenon for the immigrants. Some parts of the culture change more rapidly than others.

8. The maintenance and development of the cultural heritage facilitates the voluntary return of some migrant workers and their families. By their experience in the host country, they constitute a source of enrichment of the country of origin and its culture. Cultural exchange within the host countries is essential to the establishment of equality of opportunity and good community relations and for the cultural enrichment of the host countries. In this context, it should be noted

---

*/ These conclusions and recommendations relate to migrant workers in a regular situation.

that in some countries most immigrants have been resident for a long time and the majority of them are expected to stay. There may be differences in emphasis by countries on various aspects of cultural life, but all States have common interests.

9. Education has a catalytic role. It is essential for the integration (in all fields) of migrant workers and their families in the society of the host country. Education is a part of a broader picture of the position of migrant workers, which includes employment, housing, culture, etc.

10. Education (its quality and effects) depends on the social status of immigrants. Equality of opportunity, among other things in employment, and stimulation of upward mobility should be a matter of policy of Governments of host countries.

11. Learning of the language(s) of the host country is of crucial importance for academic success and understanding of the culture of the host country, for obtaining better jobs and for successful integration in society. This must be accepted by the Governments of host countries and by the migrant workers themselves. Educational systems have to be adapted to meet needs. A variety of experiences exist, none of them fully satisfactory.

12. The problem of education (as part of the integration process) is social rather than cultural and linguistic. However, the children of migrant workers also encounter difficulties which must be met by special measures.

13. It is recognized that sending the children of migrant workers to special schools is not a solution. Other methods have to be developed.

14. Maintenance of the identity of the children of migrant workers is very important, since only a stable personality can achieve the objectives of contemporary education programmes. A variety of forms of activity exists.

15. Bilingual education is important in this respect. Different regional experiences from a number of countries exist and should be further studied. There are also experiences of multicultural approaches that go even further.

16. Migrant workers and members of their families should be granted not only the right but also the opportunity to form and join associations of their own. The existence of such organizations can render great support to their members linguistically, culturally, socially and psychologically and help them, on the one hand, to preserve and develop their cultural identity and, on the other, to make them active partners in the society of the host country. Both States of origin and host countries recognize the important role played by migrant workers' associations in promoting the welfare of the workers and their families.

17. In the necessary dialogue between migrant workers and the authorities of the host State as well as the State of origin, migrant workers' associations can play an important role, e.g. by electing members to consultative bodies set up by the State or by municipalities, as the case may be.

18. The right to join - and form - trade unions is inscribed in a number of international instruments, widely ratified by United Nations Member States. This right is accorded also to migrant workers, and there is reason to believe that migrant workers need the protection of a trade union at least as much as most other workers.

19. Especially in countries where trade unions are called upon to play a role in public affairs and public administration, e.g. in the labour market, in occupational safety and health, in education and training and in social security matters, active participation in trade unions opens a way to migrant workers' participation in public affairs and more effective involvement in the life of the host State.

20. The competent non-governmental organizations of the host State also have an important role to play in the integration process if migrant workers and their families are to take an active part in the life of the host State.

21. With regard to political rights, the right to vote and to be elected is in most countries reserved to citizens. Several States of origin grant, or wish to grant, such rights also to nationals abroad.

22. Some host countries have granted or consider granting voting rights, both active and passive, to migrant workers in local elections, thereby providing them and their families with a concrete opportunity to take part in public affairs at a level of immediate interest to them.

23. As an alternative to granting voting rights to migrant workers, a number of host countries have introduced more liberal naturalization practices and even encourage applications for citizenship.

B. Recommendations

1. States are called upon to consider acceding to international instruments concerning the rights of migrant workers and their families, including ILO Conventions 143 and 97.

2. Member States of the United Nations are called upon to finalize as soon as possible an international convention on the protection of the rights of all migrant workers and their families.

3. Efforts should be made to promote dissemination of information on the rights of migrant workers and their families covered by international instruments and to integrate these subjects in the training of officials who come into frequent contact with foreigners.

4. The Governments of host countries are called upon to sensitize the general public to the need to secure the full and effective involvement of migrant workers and their families in the society by all necessary means.

5. Governments of host countries are called upon to promote inter-community activities between migrant workers and the local population. Useful and relevant examples of such activities should be widely disseminated.

6. The need for practical measures for the reintegration of returning migrant workers into their country of origin should be recognized.

7. Host countries are called upon to use all possible means to facilitate the exercise by migrant workers of voting rights in elections in their country of origin.

8. Host countries are called upon to consider, where possible, extending to migrant workers the right to vote and to stand for election.

9. Governments of all States concerned are called upon to encourage the social and cultural activities of migrant workers' associations.

10. Governments of host States are called upon to encourage non-governmental organizations to strengthen their efforts to make it possible for migrant workers and their families to take part in their activities on an equal footing with nationals.

11. Migrant workers should be informed of their right to join trade unions and be encouraged to do so.

12. Host countries and countries of origin are called upon to consider adopting positive steps for the education, training and employment of migrant workers and their families. All measures and services, including employment services, available to nationals should be equally accessible to migrant workers and to their families, in conformity with international agreements on this point.

13. The educational systems of host countries should be encouraged to develop policies designed to facilitate the successful linguistic incorporation of migrant workers and their children, while encouraging the maintenance and development of the relevant language and culture of their country of origin.

14. Countries of origin and host countries are called upon to encourage the participation of migrant workers and their families in the cultural life of the host country. Host countries and countries of origin should jointly support the maintenance and development of the cultural identity of migrant workers and their families. Furthermore, the culture of the country of origin should be disseminated and explained within the host country in order to contribute to mutual enrichment and understanding.

15. The right to family reunion should be implemented, especially in the case of permanent or medium-term migration.

16. The United Nations and its specialized agencies are called upon to continue to study the situation of migrant workers and their families.

17. International and regional organizations active in the field of migration are called upon to improve their co-ordination.

18. The United Nations and the specialized agencies are called upon to encourage, within their mandates, regular dialogue and consultations between countries of origin and host countries.

19. Agreements or arrangements between States for protecting the rights of migrant workers and their families should be encouraged.

49. The foregoing conclusions and recommendations were transmitted to the forty-fourth session of the General Assembly in a note by the Secretary-General (A/C.3/44/CRP.1).

50. The Secretary-General's report on the seminar (E/CN.4/1990/50), which contains, inter alia, the agenda of the seminar, a summary of the discussions, conclusions and recommendations adopted and a list of participants, is before the Commission at its present session.

C. Seminar on the political, historical, economic, social and cultural factors contributing to racism and racial discrimination and apartheid

51. The Programme of Action as developed by the Second World Conference to Combat Racism and Racial Discrimination, and approved by the General Assembly in its resolution 38/14 of 22 November 1983 called for the organization of a seminar on "Political, historical, economic, social and cultural factors leading to racism, racial discrimination and apartheid". The Commission on Human Rights, by its resolution 1988/16, on the implementation of the programme of Action for the Second Decade, requested the Secretary-General to organize such a seminar, and arrangements are being made to hold it at Geneva early in 1990.

D. Other seminars, training courses or workshops

52. Throughout the general work programme of the Centre for Human Rights, the issues relating to combating racism and racial discrimination have been continually emphasized through the various workshops, regional and national training courses, seminars and other events held in the framework of the advisory services and external relations components of the human rights programme during 1988-1989. Numerous workshops and regional and national training courses have taken place or are planned to take place from September 1989 throughout 1990, in various regions of the world. During these meetings and courses, the issue of racism and racial discrimination will be dealt with and the activities of the United Nations to combat racism underlined.

VII. NATIONAL LEGISLATION AND INSTITUTIONS

53. The Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, adopted by the General Assembly in its resolution 38/14 of 22 November 1983, assigns a key role to national institutions and national legislation in the fight to prevent or redress and eliminate racism and racial discrimination. In this regard, the Programme of Action recommends, inter alia, that:

(a) Governments, where necessary, should guarantee non-discrimination on grounds of race and equal rights for all individuals in their constitutions and legislation;

(b) Governments, where necessary, should undertake to review and update all national legislation and remove from it all discriminatory provisions;

(c) Legislation should be consistent with international standards embodied in international instruments;

(d) Victims of discrimination should be informed and advised of their rights, by all possible means, and given assistance in securing those rights;

(e) Governments should, where necessary, establish appropriate and effective mechanisms, including conciliation and mediation procedures and national commissions, to ensure that such legislation is enforced effectively and thereby to promote equality of opportunity and good race relations.

54. In addition, the Programme of Action provides that States, within the framework of their national legislation and policy and according to their means, should set up national institutions for the promotion and protection of human rights. Those institutions should study legal developments and review the laws and policies of the Government with a view to ensuring the elimination of all discriminatory laws, prejudices and practices based on race, sex, colour, descent and national and ethnic origin.

55. The Programme of Action includes a separate section on recourse procedures for victims of racial discrimination, in which States are invited to take into account, within their domestic recourse procedures, the following considerations:

(a) Access to such procedures should be as broad as possible;

(b) Existing recourse procedures should be publicized within their respective jurisdictions, and victims of racial discrimination should be assisted in utilizing the procedures where appropriate;

(c) In each jurisdiction the rules relating to the initiation of complaints should be made simple and flexible and capable of being entertained in the language of the complainant;

(d) Complaints of racial discrimination should be dealt with as expeditiously as possible, and there should be a time-limit with regard to the length of investigations;

(e) Indigent victims of racial discrimination should receive legal aid and assistance in prosecuting their complaint in civil or criminal proceedings, with the help of an interpreter when necessary.

56. Further, the Programme of Action provides that victims of racial discrimination should have the right to seek from tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

A. Global compilation of national legislation against racial discrimination

57. As part of the overall approach of strengthening national legislation and institutions for the promotion of racial tolerance and the prevention of discrimination, the General Assembly in its resolution 40/22 of 21 November 1985 invited the Secretary-General to prepare and issue as soon as possible a global compilation of national legislation against racism and racial discrinination and to submit it to the Assembly at its forty-third session.

58. The Secretary-General submitted a report to the General Assembly at its forty-third session describing the progress made in assembling and publishing the global compilation and providing an overview of the text submitted (A/43/637). The Assembly at its forty-fourth session had before it a note by the Secretary-General informing it that he was proceeding with the publication of the global compilation as an official document of the United Nations.

B. "Model legislation" and other elements in promoting national legislation and institutions

59. The global compilation of national legislation against racial discrimination is only one of the elements within the framework of the Decade's activities relating to national legislation and national institutions for the promotion of racial tolerance and the prevention of discrimination. Among the other elements are:

(a) Preparation of "model legislation" in the field of racial discrimination (A/39/167, para. 12);

(b) Organization of training courses for legislative draftsmen (Ibid., para. 13); the first course took place in New York in September 1987 (E/1988/10);

(c) Preparation of a handbook of recourse procedures in the field of racial discrimination (A/39/167, para. 15); a seminar was held on this issue at Bangkok from 2 to 13 August 1982 (ST/HR/SER/A/13);

(d) Preparation of a manual of existing national institutions promoting tolerance and harmony and combating racism and racial discrimination (A/39/167, para. 25);

(e) Organization of a meeting of representatives of national institutions for the purpose of promoting an exchange of experiences in the field (ibid., para. 26);

(f) Organization of regional workshops on the adoption of legislation to combat racism and racial discrimination (General Assembly resolution 42/47, annex, para. 1(d));

(g) Organization of a seminar on community relations commissions and their functions (ibid., para. 1(e)); a seminar on this subject was held at Geneva from 9 to 20 September 1985 (ST/HR/SER/A/17).

60. The implementation of these activities should undoubtedly prove to be a major contribution to the fight at the national level for racial harmony and tolerance and against racism and racial discrimination. The work carried out in the past on these matters, including the global consultation, the reports of seminars and training courses, and the information submitted in relation to international instruments in this field, provide a good basis for the preparation of "model texts". It is the Secretary-General's intention to proceed as rapidly as resources permit with the preparation of "model texts" and with the organization of the seminars or training courses designed to encourage their adoption and implementation.

VIII. TRUST FUND FOR THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

61. In its resolutions 43/91 of 8 December 1988 and 44/52 of 8 December 1989, the General Assembly stated that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to combat Racism and Racial Discrimination were indispensable for the implementation of the plan of activities for the Second Decade and strongly appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund and, to this end, requested the Secretary-General to undertake appropriate contacts and initiatives to encourage contributions.

62, Since the period covered by the last report of the Secretary-General (A/43/644) (1 September 1988 to 31 August 1989), the following States have contributed to the Trust Fund for the Second Decade: Cameroon, $906; Indonesia, $2,500; Italy, $10,000,, Jamaica, $500; Libyan Arab Jamahiriya, $10,000.

63. The current status of the Trust Fund continues to be far from encouraging despite the repeated appeals for voluntary contributions made by the General Assembly, the Economic and Social Council and the Secretary-General. Further contributions are urgently needed to provide the much needed supplementary resources required to implement the various activities envisaged in the Programme of Action for the Second Decade.

IX. PLAN OF ACTIVITIES FOR THE SECOND DECADE

A. Plan of activities for 1985-1989

64. At the request of the General Assembly, the Secretary-General submitted to it at its thirty-ninth session a plan of activities for the period 1985 to 1989 for implementing the Programme of Action for the Second Decade. In its resolution 39/16 of 23 November 1984, the Assembly invited the Secretary-General to proceed immediately with the implementation of those activities. In its resolution 44/52 of 8 December 1989, the Assembly urgently requested the Secretary-General to ensure the effective and immediate implementation of the activities proposed for the first half of the Decade which had not yet been undertaken.

65. As indicated in the Secretary-General's reports submitted to the General Assembly and to the Economic and Social Council, various activities of the Programme of Action for the Second Decade have already been implemented. Particular consideration has been given to the organization of international and regional seminars pursuant to paragraph 53 of the Programme of Action.

With regard to studies to be prepared by the Secretary-General or by the relevant Human Rights bodies, reference may be made to the final study on the role of private group action submitted to the General Assembly at its forty-first, forty-third and forty-fourth sessions (A/41/550, A/43/631 and A/44/575); to the final study on the achievements made and obstacles encountered during the Decades (E/CN.4/Sub.2/1989/8 and Add.1), and to the note by the Secretary-General on the global compilation of national legislation against racial discrimination (A/44/574).

66. With regard to the implementation of international instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, the relevant reports of the implementing bodies on the status of these conventions are available for consideration by the Commission. The Commission may wish to make further suggestions or recommendations for securing universal ratification of these instruments, which provide the basic normative framework for activities under the Second Decade to Combat Racial Discrimination and Apartheid.

67. In its resolution 42/47 of 30 November 1987, the General Assembly took note of the report submitted by the Secretary-General concerning the study of the effects of racial discrimination in the field of education, training and employment as it affected the children of minorities, in particular those of migrant workers, and requested that he continue that study by submitting, inter alia, specific recommendations for the implementation of measures to combat racism and racial discrimination. The Secretary-General notes that the issue of access to education is being dealt with by the Assembly's working group on the elaboration of an international convention on the protection of the rights of migrant workers and their families, in particular in draft article 45. As this convention is expected to be ready in the near future, the Secretary-General is of the view that he should prepare the specific recommendations called for in the light of the final text.

B. Plan of activities for the second half of the Second Decade, 1990-1993

68. In its resolution 42/47, the General Assembly approved the proposed plan of activities for the period 1990 to 1993 set out in the annex to that resolution, and invited the Secretary-General to proceed with the implementation of those activities, and to accord the highest priority, in executing the plan of activities, to measures for combating apartheid.

69. The following are the activities planned to take place during the biennium 1990-1991:

(a) Global survey of the extent to which the children of migrant workers are enabled to receive education in their mother tongue;

(b) Meeting of experts to review national experience in the operation of schemes of internal self-government for indigenous populations;

(c) Technical study on the impact of article 27 of the International Covenant on Civil and Political Rights in providing guarantees of equality to persons belonging to minorities;

(d) Regional workshops on the adoption of legislation to combat racism and racial discrimination;

(e) Seminar on community relations commissions and their functions;

(f) Seminar to assess experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

(g) International campaign to contribute to the early independence of Namibia, in conformity with Security Council resolution 435 (1978) of 29 September 1978.

70. The following activities should take place during the biennium 1992-1993:

(a) Round table of experts to discuss the preparation of teaching materials to combat racism and racial discrimination;

(b) Issuance in three additional languages of the handbook of recourse procedures available to victims of racism and racial discrimination;

(c) Two regional workshops on the adoption of legislation to combat racism and racial discrimination;

(d) International campaign on the main obstacles to the full eradication of racism, racial discrimination and apartheid, and on ways and means of bringing about the early disappearance of these scourges;

(e) Study on the treatment of political prisoners and detainees in South Africa and Namibia, particularly women and children;

(f) Global survey on the extent of dissemination of the International Convention on the Elimination of All Forms of Racial Discrimination.

71. Concern that the necessary resources be made available to enable the Centre for Human Rights to fulfil the various mandates given to it relating to the prevention and elimination of racial discrimination was reflected in the conclusions and suggestions of the Global Consultation on Racism and Racial Discrimination in the following terms: "While satisfaction was expressed with the work of the Centre for Human Rights, it was agreed that the Centre should be strengthened in order to enable it to discharge even more effectively its growing responsibilities, not least in the field of combating racism, racial discrimination and apartheid". In addition, the Commission on Human Rights, in its resolution 1989/10 of 23 February 1989, requested the Secretary-General, pursuant to General Assembly resolution 42/47, to ensure that sufficient resources were included in the proposed programme budgets for the bienniums 1990-1991 and 1992-1993 to provide for implementation of the activities of the Second Decade.

72. The implementation of the various activities of the programme of Action for the Second Decade and the two plans of activities is of the highest importance, and every effort is made to implement each activity as scheduled

and to the extent made possible by available resources. One important element in the future capacity to implement these various activities is the adequacy of the resources placed at the disposal of the programme by Member States.

X. DOCUMENTATION

73. In connection with the Commission's consideration of the agenda item entitled "Implementation of the programme of Action for the Second Decade to Combat Racism and Racial Discrimination", and in order that it may have as much information as possible on the wide range of activities carried out within the Second Decade, the Commission will have before it, at its present session, in addition to the present report, the documents submitted to the Economic and Social Council at its first regular session of 1989 and the documents submitted to the General Assembly at its forty-fourth session. These documents contain information on the activities of 14 organs and Secretariat units of the United Nations, five specialized agencies, 23 States, two intergovernmental organizations and 26 non-governmental organizations.

74. To assist the members of the Commission, the following consolidated list is provided:

(a) Information on activities of United Nations organs and Secretariat units: General Assembly; Commission on Human Rights; Sub-Commission on Prevention of Discrimination and Protection of Minorities; Committee on the Elimination of Racial Discrimination; Group of Three under the International Convention on the Suppression and Punishment of the Crime of Apartheid; Co-ordinator for Decade activities within the United Nations system; Global consultation on racism and racial discrimination; United Nations seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States; Centre against Apartheid and Special Committee against Apartheid; Trusteeship Council; Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and peoples; Department of Public Information of the United Nations Secretariat (all in E/1989/42); Council for Namibia; Office of the United Nations High Commissioner for Refugees (both in E/1989/42/Add.4).

(b) Information submitted by specialized agencies: Food and Agriculture Organization of the United Nations (E/1989/42 and A/44/575); United Nations Educational, Scientific and Cultural Organization (E/1989/42/Add.4); International Labour Organisation (E/1989/42 and A/44/575); Universal Postal Union (E/1989/42/Add.4); World Health Organization (E/1989/42/Add.4).

(c) Information submitted by Governments: Argentina (E/1989/42); Bahamas (E/1989/42/Add.4 and A/44/575); Bangladesh (E/1989/42/Add.4); Byelorussian Soviet Socialist Republic (E/1989/42); Chad (E/1989/42/Add.4 and A/44/575); Cuba (E/1989/42); Czechoslovakia (E/1989/42); Finland (E/1989/42); France (E/1989/42); German Democratic Republic (E/1989/42); Italy (E/1989/42); Libyan Arab Jamahiriya (E/1989/42/Add.4); Mexico (E/1989/42); Nigeria (E/1989/42); Norway (E/1989/42); Philippines (E/1989/42); Portugal (E/1989/42); Saint Lucia (E/1989/42); Tunisia (E/1989/42/Add.4); Ukrainian Soviet Socialist Republic (E/1989/42/Add.4); United Kingdom of Great Britain and Northern Ireland (A/44/575); United States of America (E/1989/42); Uruguay (E/1989/42).

(d) Information from intergovernmental organizations: Council of Europe; Organization of American States (both in E/1989/42/Add.2).

(e) Information from non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (E/1989/42/Add.2); Baptist World Alliance (E/1989/42/Add.2); Christian Peace Conference (E/1989/42/Add.4); Commission of the Churches on International Affairs of the World Council of Churches (E/1989/42/Add.2); Commission to study the organization of Peace (E/1989/42/Add.4); International Confederation of Free Trade Unions (E/1989/42/Add.2 and A/44/575); International Council of Voluntary Agencies (E/1989/42/Add.2); International Defence and Aid Fund for southern Africa (E/1989/42/Add.2); International Federation of Business and professional Women (E/1989/42/Add.4); International Federation of Resistance Movements (E/1989/42/Add.2); International Union of Local Authorities (E/1989/42/Add.4); Inter-Parliamentary Union (E/1989/42/Add.2); Minority Rights Group (E/1989/42/Add.2); Movement against Racism and for Friendship among Peoples (E/1989/42/Add.2); Muslim World League (E/1989/42/Add.2); Organization of African Trade Union Unity (E/1989/42/Add.2); Socialist International (E/1989/42/Add.4); Soroptimist International (E/1989/42/Add.2); Union of Arab Jurists (E/1989/42/Add.2); Women's International Democratic Federation (E/1989/42/Add.2); World Confederation of Labour (E/1989/42/Add.4); World Confederation of Organizations of the Teaching Profession (E/1989/42/Add.4); World Conference on Religion and Peace (E/1989/42/Add.2); World Federation of Trade Unions (E/1989/42/Add.4); World Organization of the Scout Movement (A/44/575); World Young Women's Christian Association (E/1989/42/Add.2).

75. Finally, the Commission will have before it for consideration the annual reports on racial discrimination submitted by the International Labour Organisation (E/CN.4/1990/37) and UNESCO (E/CN.4/1990/38), in accordance with Economic and Social Council resolution 1588 (L) of 21 May 1971 and General Assembly resolution 2785 (XXVI) of 6 December 1971.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/37
8 November 1989

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 17 (b) of the provisional agenda

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Annual report on racial discrimination submitted by the International Labour Organisation in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI)

1. The Economic and Social Council in its resolution 1588 (L) of 21 May 1971 invited the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to provide the Commission on Human Rights with reports on the nature and effect of any racial discrimination, especially in southern Africa, of whose existence they had knowledge in their sphere of competence.

2. The General Assembly, in resolution 2785 (XXVI) of 6 December 1971, endorsed the invitation of the Council and requested that such reports be submitted annually.

3. The Secretary-General has the honour to transmit herewith the annual report of ILO to the Commission on Human Rights.

Annual Report of the International Labour Organisation

1. During 1989, among the significant activities undertaken by the ILO against apartheid was the setting up of a group of three independent experts to monitor sanctions and other actions against apartheid thoughout the world, as specified in the ILO Declaration concerning Action against Apartheid in South Africa and Namibia and the Programme of Action, with special attention to action taken to circumvent such measures. In addition, the ILO continued to monitor and to disseminate information on recent developments in the social and labour fields in South Africa and Namibia, to provide technical co-operation assistance to the national liberation movements, black workers and their independent trade unions in South Africa and Namibia and also to the front-line and neighbouring States.

2. The group of three independent experts was established in compliance with a recommendation to this effect made by the Committee on Action against Apartheid at the 75th Session (June 1988) of the International Labour Conference. This recommendation also specified the tasks to be performed by the group. They included (a) the investigation and evaluation of the effects of present sanctions measures; (b) the conducting of feasibility and case studies on sanctions; (c) regularly surveying and updating the state of world trade with South Africa; (d) maintaining a register of investment and disinvestment in South Africa; (e) publishing, three times a year, the results of the research. In addition, the group was requested to carry out its mandate in close co-operation with other United Nations bodies and international organizations which also collected information on sanctions and other actions against apartheid, to avoid duplication.

3. Membership of the group, proposed by the ILO Director-General, was approved by the 243rd Session of the Governing Body at its resumed meeting at the end of June 1989. The group, which had its first meeting in October 1989 in New York to define its methods of work and the nature of its mandate, decided to place emphasis on studies relating to an embargo on South African coal, effective financial sanctions and matters relating to the effective severance of air links with South Africa. The group's second and third meetings will be convened in February and April 1990 respectively.

4. The Special Report of the Director-General of the ILO on the Application of the Declaration concerning Apartheid in South Africa and Namibia was examined at the 76th Session (June 1989) of the International Labour Conference. Chapter I of the Report reviewed recent developments in labour and social matters in South Africa and Namibia. Chapter II analysed the information supplied by the ILO tripartite constituents concerning their action against apartheid. Chapter III provided information on international action against apartheid. In addition to the Special Report, supplementary information was also provided in a separate document.

5. After considering the Special Report, the Committee on Action against Apartheid adopted conclusions which, inter alia, expressed concern about the slowing down of the rate of disinvestment and the tendency of disinvesting multinationals to continue to maintain non-equity links with South Africa. The Committee requested the tripartite members and the ILO to intensify efforts to implement the recommendations contained in the updated Declaration and its appended Programme of Action. Further measures to be undertaken by the tripartite members were also specified. Recommendation 6 (b), for

example, urged Governments to bring about an embargo on South African coal, effective financial sanctions, appropriate legislation to prevent the transport of oil to South Africa and the effective severance of air links. To this effect, it called for special target campaigns with the full participation of all the ILO tripartite members.

6. Recommendation 6 (c) and (d) requested employers' organizations to urge multinational enterprises to provide full information on the terms of their disinvestment including the links they intended to maintain with South African enterprises and to negotiate their disinvestment terms with the trade unions concerned. Furthermore, the employers' organizations should appeal to their members with subsidiaries in South Africa to avoid using the anti-union provisions of the Labour Relations Amendment Act which was promulgated in 1988 by the South African Government despite protests against it. The trade unions were urged in recommendation 6 (e) and (f) to launch campaigns and to put maximum pressure on the employers who utilized the provisions of the Labour Relations Amendment Act against the unions. Recommendation 6 (i) requested the ILO to finalize quickly the report on the gold trade with South Africa.

7. The conclusions also called upon the ILO Director-General to inform the South African Government about the Conference's deep concern about the lack of progress so far made in the abolition of the apartheid system and also to strongly appeal to this Government to end the state of emergency.

8. Specific recommendations were adopted in relation to Namibia. Governments, for example, were urged to support the Secretary-General of the United Nations in the efforts being made to ensure the implementation of resolution 435. In addition, all the ILO tripartite members were requested to provide maximum assistance to the people of Namibia with a view to promoting the development of a strong democratic nation, and independent workers' organizations. The ILO should also intensify its projects and programmes to assist Namibia.

9. To implement the above-mentioned conclusions, several measures were undertaken by the ILO after the International Labour Conference in June 1989. For example, a request for up-to-date information on action taken or not taken against apartheid for inclusion in the Special Report of the Director-General for 1990 was addressed in August 1989 to Governments and employers' and workers' organizations. The request was accompanied, inter alia, by a detailed memorandum which referred to the recommendations contained in the conclusions of the Conference Committee on Action Against Apartheid in June 1989. Requests for information on international action against apartheid were also sent to the United Nations, its specialized agencies and other intergovernmental organizations.

10. In relation to Namibia, a number of project proposals were formulated by the ILO to help Namibia in its reconstruction efforts after independence. They covered employment promotion including income-generating schemes in resettlement areas, rural employment planning, training in employment policy formulation and an ILO employment mission to Namibia to prepare a plan of action for ILO assistance to the country, vocational training and vocational rehabilitation; technical assistance to the Department of Labour; the promotion of employers' organizations; the provisions of workers' education assistance to the Namibian trade unions; and assistance to the vulnerable groups including women and the youth. An exploratory mission was sent to

Namibia in September 1989 which held discussions with the trade unions, employers and the administration with a view to identifyng possible areas for ILO's technical assistance to Namibia during the transition period. The areas identified included labour administration, employment promotion, vocational rehabilitation and workers' education. With funding from the EEC, the ILO Advanced Vocational and Technical Training centre at Turin is executing a number of training projects aimed at reintegrating Namibian refugees through education and skill-training during the transition period. They include the attachment of 24 Namibian fellows to several of the Centre's courses in 1989; attachment of 50 Namibian fellows to a customs training centre in Zimbabwe to attend a training course in customs and excise functions; the training of 15 marketing and procurement management officers; a training course on the design, development and evaluation of specific vocational training projects for 15 repatriated Namibians and future vocational training project managers who could be used in the medium term as focal points for technical assistance programmes in Namibia; a training course on the elaboration and development of labour-intensive public works projects in a rural environment for 15 Namibians; and a training course on design and development of income-generating projects through small entrepreneurship programmes.

11. A number of operational activities including technical assistance projects within the ILO anti-apartheid programme were examined in a Report to the Committee on Discrimination of the ILO Governing Body at its 244th Session (November 1989). Information provided in the report covered the following:

Vocational training

12. (1) United Nations Vocational Training Centre for Namibia, Cuacra, Angola: This project, which is currently in its second phase, continued to be implemented during the past year. Training continued to be provided in auto-mechanics, bricklaying, carpentry and joinery, electrical installations and repairs, metal machinery and plumbing. The Centre's third batch of 100 students graduated in December 1988. At its 13th Session (March 1989), the Centre's Governing Board decided that the Centre should be transferred to Namibia after independence. To this end, it was decided that an ILO team should undertake a mission to Namibia to carry out a feasibility study on this transfer. The Board also indicated that its 14th Session should be held in Namibia after the country's elections in November 1989. In addition, the Board decided that the Centre's training activities should be suspended from July to December 1989 to enable the Namibian students and staff to return to Namibia to register for and participate in the elections. The UNDP has indicated that it would continue to support the project financially for three more years, starting from 1 January 1989. (2) Pilot vocational training centre for the ANC, Dakawa, United Republic of Tanzania: Although the ANC continued to implement the project on a bilateral basis with funding provided by the Government of Norway, the ILO provided specific technical inputs including training materials. A mission was undertaken to the Centre by an ILO consultant to assist with the preparation of a project proposal covering a new phase of the project to be considered by the UNDP for funding.

Vocational rehabilitation

13. (1) Training of rehabilitation staff for disabled victims of liberation wars, refugees and migrant workers: Fellows from the national liberation movements continued to participate in the training courses carried out under this subregional project, which is an integral component of the joint

ILO/OAU regional programme concerning the African Rehabilitation Institute. The project's second phase will end in 1991. (2) Vocational rehabilitation for disabled victims of the liberation war: Under the second phase of the project, funded mainly by the Government of Norway, a number of disabled Namibians were attached to training institutions in Zambia for vocational training in diverse trades. The project's activities were temporarily suspended during the last three months to permit the Namibians to return to their country of origin to participate in the elections.

Employment planning and creation

14. (1) Practical training and experience in employment and development planning with the Southern African Team for Employment Promotion (SATEP), Lusaka, Zambia: One ANC fellow was attached to SATEP for nine months under this project during the reporting period. Efforts continued to be made to encourage the women's secretariats of the national liberation movements to nominate female candidates to participate in the project's training programme. (2) Employment and basic needs planning in southern Africa: SATEP continued to provide technical advisory services to the individual member States as well as the subregional organizations (SALC and SADCC) of the southern African subregion. The advisory services covered, inter alia, employment promotion for youth, improved employment conditions in the informal sector, and employment creation for migrant workers repatriated from South Africa. (3) Skill Profiles of Black South Africans: As a follow-up to the completed study on Skill Profiles of Black South Africans, ILO/SATEP assisted the ANC to organize a seminar on Manpower Development for a Future South Africa, in May 1989. It was attended by representatives from the ANC's Department of Manpower Development, the trade unions, business federations, church and other organizations inside South Africa. Apart from the skill profiles of black South Africans, other topics covered by the seminar included the objectives of manpower development in South Africa, the role of education in the liberation struggle, career guidance and also popular participation in setting priorities for manpower development. In addition, representatives of the Zimbabwean Ministry of Labour, Manpower Planning and Social Welfare also informed the participants about Zimbabwe's experience in tackling problems of manpower shortages during the difficult period immediately after Zimbabwe's independence. The recommendations of the seminar emphasized, inter alia, the need for greater efforts to train people to fill gaps created by the apartheid manpower development policies, and co-ordination between the different organizations working on manpower planning for South Africa. A number of research areas were also identified, including employment structure in the South African economy, assessment of training needs and the role of apprenticeship in manpower development and training.

15. Rural development: Following the study tour for heads of department and senior officers of SWAPO on agricultural production and popular participation which was organized in Zimbabwe in November 1988 by the ILO, and also within the context of the preparations to assist Namibia in its reconstruction efforts, two new project proposals on rural development were elaborated by the ILO for funding. They covered income-generating schemes in resettlement areas and rural employment planning in independent Namibia.

Labour administration

16. Training of labour administrators for Namibia: The project was evaluated in 1988 and a number of significant recommendations were made for action including a four-to-six-week refresher course at ARLAC for 30 previous participants of the project. Training at Ruskin College for two of the project's former students which should have commenced in 1989 had to be postponed since the fellows had to return to Namibia to register and participate in the planned elections.

Workers' education

17. Workers' education assistance to independent trade union organizations of black workers in South Africa and the National Union of Namibian Workers: During the past year, a number of fellows from the independent black trade unions in South Africa and Namibia participated in regional and subregional workshops and seminars on workers' education which were organized by the ILO in Africa. For example, six representatives from COSATU, NACTU and the NUNW attended the ILO subregional workers' education seminar for southern Africa on Occupational Safety, Health and Environment Issues, held in Zimbabwe in May 1989. Seven South African and Namibian trade unionists also participated in the joint ILO/OATUU regional seminar for English-speaking Africa on women workers and the ILO Plan of Action on Equality of Opportunity and Treatment for Men and Women in Employment. A seminar for media workers was organized jointly with the PAC/ATUCC. Another seminar on the promotion of workers' co-operatives was also jointly planned with ATUCC for implementation in October 1989. A seminar on media skills for public relations officers within NACTU and its affiliates has also been scheduled for implementation before the end of 1989. This seminar is co-financed by the ILO and the Canadian Labour Congress. Discussions were also held with representatives of the NUNW and its affiliates regarding workers' education assistance to workers' organizations in Namibia after independence.

Migrant workers

18. (1) Workers' education assistance to migrant workers in southern African (Lesotho): The second phase of the project which began in 1987 continued to be implemented during the reporting period. The activities carried out included seminars for migrant workers and village organizers and also workshops on income-generating activities. In addition, training materials were prepared by the project. (2) Workers' education assistance to migrant workers in southern Africa (Botswana and Mozambique): Activities carried out under this project, which began in July 1988, included training courses and seminars and the development of training materials. The activities were undertaken with the BFTU (the Botswana Federation of Trade Unions) and the OTM (Organização dos Trabalhadores de Mozambique).

Small enterprise development

19. Small enterprise develoment for refugees in Zambia: Activities under Phase II of the project, which were implemented during the past year, included training on how to start a business and on needs identification, improve your business workshops and operation of a revolving loan scheme for the refugees in Zambia. Since the inception of the project, more than 124 loans have been

granted and the recovery rate has been high (81 per cent). The ILO continued to co-operate with the Zambian Federation of Employers and the UNHCR in implementing this project.

20. With funding from the regular budget for technical co-operation, several other activities were also undertaken which included: (a) two workshops on the needs of South African and Namibian women and the design of projects to meet these needs; (b) two seminars with the ANC on labour law and with NACTU on media skills; (c) local training fellowships in the United Republic of Tanzania and Zambia for the ANC, PAC and SWAPO; (d) six study visits to the ILO headquarters by representatives of the South African and Namibian black trade unions and the national liberation movements; (e) support for two fellowships in the areas of information technology and manpower development; (f) support for the preparation of a booklet on labour legislation in South African homelands; and (g) data collection for the revision of the publication on labour legislation in Namibia.

21. During the past year, the ILO continued to disseminate information on the labour and social situation under apartheid. It also continued to collaborate closely with other organizations within the United Nations system and with other intergovernmental, non-governmental, regional and subregional organizations within the framework of concerted efforts to eliminate apartheid. For example, the ILO participated in the Thirty-seventh Session of the Human Rights Committee on the Elimination of Racial Discrimination, the Fourty-first Session of the Sub-Commission on Prevention and Protection of Minorities and the Fourty-fifth Session of Human Rights.

22. Since the last annual report submitted by the ILO, the Discrimination (Employment and Occupation) Convention, 1958, (No. 111) has received one further ratification (Democratic Yemen), bringing the total number to 110. The Employment Policy Convention, 1964 (No. 122) has received two further ratifications (Guatemala and Democratic Yemen), bringing the total number to 73. With regard to migrant workers, the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) have not received any further ratifications and the total number of ratifications stand at 38 and 15 respectively. The Indigenous and Tribal Populations Convention, 1957 (No. 107) has not received any further ratification and the total remains at 27. The Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) has received one further ratification (Guatemala), bringing the total to 31.

23. The application of Convention No. 111 and other Conventions referred to above gave rise to observations and comments by the Committee of Experts on the Application of Conventions and Recommendations at its March 1989 Session.

24. At its 76th Session (June 1989), following the second discussion on the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), the Conference adopted the Indigenous and Tribal Peoples Convention, 1989 (No. 169) as well as a resolution on ILO action concerning indigenous and tribal peoples. In its preamble, the Convention underlined the need to remove the assimilationist orientation of the earlier standards and drew attention to the particular contribution of indigenous and tribal peoples to the cultural diversity and to the social and ecological harmony of mankind as well as to international co-operation and comprehension. Its provisions

concern general policy, land, recruitment and working conditions, vocational training, handicrafts and rural industries, social security and health, education and means of communication, contacts and co-operation across borders and administration. The resolution contains a series of measures for action to be undertaken at the national and international levels as well as by the ILO.

25. Under the ILO educational and promotional programme for the elimination of discrimination and the promotion of equal opportunity in employment, a subregional tripartite seminar on promotion of equality of opportunity in employment for selected African countries was organized in Dakar (Senegal), from 18 to 22 September 1989, and another subregional tripartite seminar on non-discriminatory employment practices was organized in San José (Costa Rica) from 16 to 20 October 1989. Similar seminars and national tripartite seminars will be organized in future.

26. The ILO has continued its research and publications programme, which has extensively covered the elimination of discrimination in employment based on grounds such as race, ethnic origin, sex, religious beliefs or political opinions, as well as discrimination against migrant workers. In particular, notes and studies on new developments in various countries have appeared regularly in ILO publications such as the International Labour Review and the Social and Labour Bulletin.

27. The arrangements whereby the ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function, as in the past, in relation to discrimination in employment and occupation, indigenous and tribal populations, migrant workers and basic aims and standards of social policy, particularly through ILO collaboration with the United Nations Commission on Human Rights, the Sub-Committee on the Prevention of Discrimination and the Protection of Minorities, the Committee on the Elimination of All Forms of Racial Discrimination, the Commission on the Status of Women, the Committee on the Elimination of Discrimination Against Women as well as with the Centre for Social Development and Humanitarian Affairs, the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women and the United Nations Development Programme.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/38
15 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 17 (b) of the provisional agenda

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI)

Note by the Secretary-General

1. In accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI), the United Nations Educational, Scientific and Cultural Organization transmitted a report entitled "Information, Education and Culture under the State of Emergency - Developments in South Africa: 1986-1989".

2. A limited number of copies of this report are available with the Secretariat for consultation.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/39
31 January 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 18 of the agenda

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Report of the Secretary-General

GE.90-10195/1492B

1. The meeting of Chairpersons of human rights treaty bodies, which was held in Geneva in October 1988, recommended, as a matter requiring urgent attention, that a task force on computerization be appointed to explore the costs and benefits of computerizing the work of those bodies. The report of that meeting suggested, inter alia, that the establishment of a data base of information could reduce unnecessary work, increase efficiency and assist States parties in their own endeavours and could in the long term lead to considerable savings in money and staff time.

2. Pursuant to Commission on Human Rights resolution 1989/46 of 6 March 1989, the Secretary-General appointed a task force composed of a limited number of experts, including one or more experts in informatics to prepare a study on computerizing, as far as possible, the work of the treaty monitoring bodies in relation to reporting, with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of the reports by the treaty bodies. The Task Force held its first meeting in Geneva from 26 to 30 June 1989 and finalized its study at its second meeting, also held in Geneva, from 11 to 12 January 1990. The Centre for Human Rights co-operated closely with the Task Force in the preparation of the study.

3. In that same resolution, the Commission requested the Secretary-General to report to it at its forty-sixth session on the results of the work of the Task Force.

4. The results of the work of the Task Force are reflected in the annexed study, which the Secretary-General is pleased to submit herewith for consideration and appropriate action by the Commission.

ANNEX

Study on computerizing the work of the human rights treaty monitoring bodies

TABLE OF CONTENTS

Chapter		Paragraphs
	INTRODUCTION	1 - 11
	A. Mandate	1
	B. Composition	2
	C. Sessions	5 - 9
	D. Tentative arrangement for concluding the work of the Task Force	10 - 11
I.	THE EVOLVING TREATY REGIME AND THE NEED FOR INNOVATION TO COPE WITH THE EXISTING AND POTENTIAL WORKLOADS	12 - 24
II.	SPECIFIC DATA BASE NEEDS AND THEIR POTENTIAL USERS IN CONNECTION WITH THE WORK OF THE TREATY BODIES	25 - 28
	A. Needs and functions served by electronic information retrieval	25 - 26
	B. Potential users	27
	C. Listing of specific needs	28
III.	COMPARABLE DEVELOPMENTS IN OTHER PARTS OF THE UNITED NATIONS AND IN OTHER RELEVANT INTERNATIONAL ORGANIZATIONS	29 - 33
IV.	PROPOSED SYSTEM ARCHITECTURE AND ITS FINANCIAL IMPLICATIONS	34 - 63
	A. Proposed computer hardware architecture	36 - 48
	B. Proposed software application architecture	49 - 62
	C. Timetable and costing	63
V.	IMPACT OF THE PROPOSED SYSTEM	64 - 66

INTRODUCTION

A. Mandate

1. The Commission on Human Rights in its resolution 1989/46 of 6 March 1989 requested the Secretary-General to consider appointing, within existing resources, a task force composed of a limited number of experts, including one or more experts in informatics to prepare a study on computerizing, as far as possible, the work of the treaty monitoring bodies in relation to reporting, with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of the reports by the treaty bodies. The Commission also recommended that the Task Force should prepare its study in close co-operation with the Centre for Human Rights and the persons chairing the monitoring bodies and requested the Secretary-General to extend all possible assistance to it to enable it to fulfil its mandate as soon as possible and to report to the Commission on Human Rights, at its forty-sixth session, on the results of its work.

B. Composition

2. The Secretary-General appointed the following members of the Task Force:

Mr. Philip Alston	(Australia)	Rapporteur of the Committee on Economic, Social and Cultural Rights
Mr. Claudio Lombardi	(Italy)	Computer expert
Mrs. Christiane Lübbe	(German Democratic Republic)	Computer expert
Mr. Fausto Pocar	(Italy)	Rapporteur of the Human Rights Committee
Mr. Bjørn Stormorken	(Norway)	Computer expert
Mr. S. Amos Wako	(Kenya)	Member of the Human Rights Committee

3. In addition, the following experts were invited to contribute to the work of the Task Force:

Mr. Alain Assouad	Chief, Electronic Data Processing Unit, United Nations Office at Geneva
Mr. Jean-Pierre Chardin	Chief, Distribution and Sales Section, United Nations Office at Geneva

Mr. Bernhard Graefrath	Chairman, International Law Commission
Mr. Hans Thoolen	Chief, Centre for Documentation on Refugees, Office of the United Nations High Commissioner for Refugees

4. At its first session, the Task Force appointed Mr. Philip Alston as its Co-ordinator.

C. Sessions

5. The Task Force held its first session in Geneva from 26 to 30 June 1989 and its second session in Geneva from 11 to 12 January 1990.

6. The agenda for the first session submitted by the Secretary-General was as follows:

1. Opening of the meeting by the representative of the Secretary-General
2. Adoption of the Agenda
3. Mandate of the Task Force
4. Consideration of relevant documentary materials
   - (a) Categories
   - (b) Volume
     - (i) existing backlog
     - (ii) annual load
   - (c) Priorities
5. Utilization of the data base
6. Organizational framework
7. Plan of action

7. The agenda for the second session was as follows:

1. Review of technical reports prepared by expert consultants
2. Consideration of proposed system
3. Preparation of the final report of the Task Force

8. The following documentation was made available to participants:

Provisional agenda and annotations (HRI/MISC/1989/1)

Excerpts from the Report of the Meeting of Chairpersons of human rights treaty bodies convened pursuant to General Assembly resolution 42/105 of 7 December 1987 (A/44/98)

Compilation of the general guidelines elaborated by the various human rights treaty bodies (A/40/600/Add.1)

Establishment of an integrated management information system (A/C.5/43/24)

Progress report on the pilot project on optical disk technology (IAMLADP/1989/R.12)

Consultancy report by Mr. Stormorken on an information system for international human rights treaty bodies

Consultancy report by Mr. Lombardi on relevant existing and prospective information systems

9. During the course of the first session, members of the Task Force observed the operation of the following projects: (a) the pilot project on optical disk technology being conducted by the Publishing Service of the Conference Services Division of the United Nations Office at Geneva; (b) the Centre for Documentation on Refugees of the Office of the United Nations High Commissioner for Refugees; and (c) the computerized data base in the Centre for Human Rights relating to the work of the Commission on Human Rights Working Group on Enforced or Involuntary Disappearances.

D. Tentative arrangements for concluding the work of the Task Force

10. At the end of its first session, the representative of the Secretary-General was asked to explore the possibility of obtaining the services of two expert consultants to prepare separate technical reports on the following topics: (a) detailed review of the functions and accessibility of existing and prospective data bases administered by the international organizations which are of relevance to the work of the treaty bodies; (b) possible modalities of establishing and operating an electronic data base for the work of treaty monitoring bodies in relation to reporting. These two reports would be considered by the Task Force at its second session and integrated, as appropriate, into the final report. Subsequently, the Governments of Italy and Norway agreed to make available the services respectively of Mr. Lombardi and Mr. Stormorken to prepare the technical reports requested by the Task Force.

11. In preparing his report, Mr. Lombardi held discussions with officials of the Computing Centre at United Nations Headquarters and with a variety of other relevant officials. He also interviewed officials at the United Nations Office at Geneva, the Food and Agriculture Organization in Rome and the European University Institute in Florence. Mr. Stormorken, in the preparation of his report, held consultations with officials of the International Computing Centre, Geneva and of the International Labour Office Electronic Data Processing Department.

I. THE EVOLVING TREATY REGIME AND THE NEED FOR INNOVATION TO COPE WITH THE EXISTING AND POTENTIAL WORKLOADS

12. The meeting of Chairpersons of human rights treaty bodies which met in Geneva in October 1988 recommended, as a matter requiring urgent attention by the General Assembly, that a task force on computerization be appointed "to explore the costs and benefits of computerizing the work of the Committees" (A/44/98, para. 82). The report of that meeting suggested several benefits that might flow from establishing a data base of information relevant to the work of the treaty bodies. In the first place, the ability of members of the Committees to identify and synthesize the diverse sources of information of direct relevance to their work would be greatly enhanced. It was also suggested that computerization would "reduce unnecessary work, increase efficiency and assist States parties in their own endeavours" as well as result in considerable savings in money and staff time in the long term (A/44/98, para. 65). The recommendation of the meeting of Chairpersons was subsequently reiterated by the Secretary-General in the "in-depth evaluation of the human rights programme" prepared for the Committee for Programme and Co-ordination in 1989. The Secretary-General noted that all of the relevant data "could be fed into a data base, updated periodically as required, and made available to each of the treaty bodies when it undertakes consideration of a report on the implementation of the relevant instrument by the reporting State" (E/AC.51/1989/2, para. 118).

13. Before examining (in the following section) the various data base needs and the ways in which such a data base could be effectively used by the Secretariat, the treaty bodies, States, other United Nations bodies and potential users, it is appropriate to provide a brief overview of the factors which argue in favour of computerizing as much as possible the relevant data.

14. The first factor concerns the stresses and strains which have in recent years impeded the effective functioning of the treaty bodies. These problems have been analysed in some depth in a "Study on long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments", prepared in response to General Assembly resolution 43/115 and submitted to the General Assembly at its forty-fourth session and to the Commission on Human Rights at its forty-sixth session (A/44/668). Briefly stated, from the perspective of the treaty bodies, they include: long-term delays in the submission of States parties reports and what amounts to a virtual failure to report at all by a number of States under most instruments; sometimes lengthy delays in the consideration of States reports by some of the treaty bodies due to inadequate available meeting time, cancelled or shortened sessions or other pressures; continuing uncertainty as to whether sufficient funds will be available to enable some of the treaty bodies to meet; inadequate basic Secretariat services especially in the case of the Committee on the Elimination of Discrimination Against Women; the inability of the Secretariat to provide the level of legal and analytical research and other back-up services which could enhance the effective functioning of the various Committees; and problems arising from the need to promote co-ordination among the work of the various bodies.

15. In addition, it is widely recognized that the increasing number of ratifications and accessions to the principal instruments and a continuing increase in the number of reports and communications being submitted to the relevant bodies has added to the burden placed upon the Secretariat as well as States that are parties to a variety of instruments.

16. In the future, existing problems will be exacerbated in at least two respects. In the first place, the extent and scope of the challenges confronted by the treaty bodies in ensuring the maintenance of present levels of functioning will increase significantly. In essence, this is a result of accumulated experience, evolving procedures and the simple passage of time. Thus, for example, in the examination of reports, the Human Rights Committee is now beginning the examination of third periodic reports while the Committee on the Elimination of Racial Discrimination is already considering tenth periodic reports by some States parties. Similarly, the Committees are continuing to become more sophisticated in their work through the refinement of reporting requirements, the adoption of a growing number of general comments and of final views (on communications) which contain significant elements of general relevance for the evolving jurisprudence under the instruments in question. These developments greatly increase the demands placed on the Secretariat, on the Committee members and on States parties in terms of sheer volume of documentation, the complexity of the issues and the difficulties of co-ordination.

17. In the second place, existing problems will be exacerbated in the future by the adoption of at least two major additional instruments in the course of this and the next year. Both the Convention on the Rights of the Child and the draft Convention on the Rights of Migrant Workers and their Families provide for reporting obligations by States parties and the establishment of new supervisory bodies. In the medium and long term there will almost certainly be additional instruments adopted and possibly new committees established. In addition, the number of States parties to existing instruments continues to rise steadily.

18. This general overview of the current status and probable evolution of the work of the treaty bodies clearly demonstrates the rapid escalation in the document handling and information processing capabilities that will be needed in order to ensure the effective functioning of the treaty bodies in the years ahead. It is clear that some degree of electronic data processing is indispensable if the system is not to collapse under the weight of the increasing demands for information which it continues to generate, taking into account, in particular, the continuing limitations placed on staffing resources of the Secretariat.

19. This conclusion is, of course, entirely consistent with the general evolution of the technological environment. As a recent report noted, "the whole philosophy of the system [proposed for dealing with United Nations documentation] is based on the idea that computers will become as common in the office environment in the near future as telephones today". 1/ Nevertheless, the current situation within the United Nations in this regard leaves much to be desired. Thus the Secretary-General has recently stated:

> "In performing its administrative functions, the United Nations operates without much of the sophisticated automation aids available in today's world. Information systems development has not kept up with the state of the art or the needs of the Organization" (A/C.5/43/24, para. 5).

20. It is clear from the survey of existing facilities undertaken by the Task Force that this assessment applies equally, if not even more strongly, to the needs of the treaty bodies. Moreover, as discussed below (section III infra), the data base activities which have already been undertaken by other international organizations working in human rights-related areas are considerably more advanced than those which have so far been undertaken in connection with the work of the treaty bodies. 2/

21. An additional argument in favour of computerization is that much of the documentation currently being produced for the treaty bodies is available in word processed form and could thus be fed directly into a data base at very low cost. The failure to establish such a data base so far thus represents a waste of potentially readily available information resources.

Relevance of the present report to the overall United Nations human rights programme

22. The primary focus of the work of the Task Force on Computerization relates to "the work of the treaty monitoring bodies in relation to reporting". 3/ While at first glance it might seem that this mandate embraces a relatively limited part of the overall activities of the United Nations in the field of human rights, more detailed consideration confirms the fact that the activities of the treaty bodies in relation to reporting are integrally linked to the overall human rights programme. Thus in its resolution concerning the creation of the Task Force, the Commission on Human Rights specifically recalled "the many resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights affirming the importance of the effective implementation of United Nations instruments on human rights in promoting universal respect for, and observance of, human rights and fundamental freedoms". 4/ The impact which the work of the treaty bodies can have on the overall programme was well illustrated in comments made by the Director-General of the United Nations Office at Vienna in opening the eighth session of the Committee on the Elimination of Discrimination Against Women:

> "She said ... that the reports of the sessions of the Committee and of the States parties were presently among the main sources of information for the preparation of documents for the Commission on the Status of Women and she emphasized the multiplier effect of the Committee's work in the definition of global policies" (A/44/38, para. 8).

23. By the same token, the work undertaken by the General Assembly and other United Nations organs such as the Commission on Human Rights, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities is of considerable relevance to the work of the treaty bodies. This applies as much to the studies carried out on particular situations as to those dealing with the more theoretical aspects of the interpretation and application of specific rights.

24. The Task Force, therefore, considers that any activities undertaken in relation to the work on reporting done by the treaty bodies will be of direct and considerable relevance to the entire human rights programme. As a result, every effort must be made to ensure as far as possible, the compatibility of any system designed to service the specific needs of the treaty bodies with the broader needs of the programme.

II. SPECIFIC DATA BASE NEEDS AND THEIR POTENTIAL USERS IN CONNECTION WITH THE WORK OF THE TREATY BODIES

A. Needs and functions served by electronic information retrieval

25. A variety of needs may potentially be satisfied by the establishment of a data base relating to the work of the treaty bodies. In its most basic form it provides ready access to the text of documents and facilitates rapid identification not only of the relevant documents but also the specific parts which are required. A data base serves basic administrative functions such as signalling due dates or preparing relatively standard-form correspondence. Basic reference information can also be provided such as updated lists of instruments or ratifications in a given field, or current bibliographies. More complex research tasks can also be performed such as identifying all the relevant documentation dealing with a specific issue or a particular provision of one or more of the relevant treaties.

26. In general terms, therefore, the establishment of a data base can contribute to the work of the treaty bodies in at least three separate ways. Firstly, it can enable the efficient production of large bodies of information including both text and statistics. Secondly, it enables the maximum utilization of available administrative support by facilitating a more even spread of work over time. Thirdly, it provides crucial support in "problem-solving" thus enabling a comprehensive and rapid response to be made to requests for legal research support by members of the treaty bodies, States parties or others. Thus while the first two functions contribute to increased efficiency, the third provides the potential for a considerably enhanced capacity to respond to the evolving needs of the treaty bodies.

B. Potential Users

27. Initially, the Secretariat and, in particular, the International Instruments Section of the Centre for Human Rights, will be the primary user of the electronic data base in its day-to-day operational functions relating to the provision of substantive services to the expert members of the treaty bodies and to States parties. To some extent, States parties and individual experts may also wish to have direct access to the data base. In addition, the members of the other United Nations bodies concerned with human rights issues and the relevant parts of the Secretariat which service those bodies would make considerable use of the data base. Eventually, access to the data base could be provided to such potential users as Member States of the United Nations in general, other international organizations, non-governmental organizations, academic researchers and interested members of the public.

C. Listing of specific needs

28. On the basis of a thorough review of the type of activities undertaken by the treaty bodies, the Task Force identified the following list of specific needs. The list is given in general order of priority and some indication is given of the types of functions served by the availability of the information in question. The list does not purport to be exhaustive or definitive.

(i) Texts of the relevant human rights treaties

This would cover the text of each of the treaties providing the basis for the supervisory activities of the relevant treaty bodies. These texts are already available in electronic form. The inclusion in the data base would facilitate easy cross-referencing among different treaties and constitute the legal foundation stone of the system.

(ii) Status of ratification

This information would cover the list of States parties to each instrument, the dates on which signatures, ratification or accession and entry into force occurred for each State, the optional provisions accepted or not accepted by each State, and the text of any reservations, declarations or objections lodged by each State. The inclusion of this information would enable immediate print-outs to be made showing all of the relevant data for any given State; all of the relevant data for any given instrument; and a comparative analysis relating to specific issues of relevance. The information would be right up to date and would reflect inputs from the Office of Legal Affairs in New York as well as the Centre for Human Rights in Geneva and other relevant sources of such information.

(iii) Status of reporting

This information would include the reporting periodicity applicable to each instrument, the due dates for all reports, the date of submission and publication and the symbol number of each report, as well as the date of examination and the relevant documentary references pertaining to each report. The data base would also include standard texts for recurring correspondence between the Secretariat and States parties and information on the dates on which reminders were sent. The inclusion of this information would greatly facilitate and expedite the work of the Secretariat, would enable the treaty bodies and the States parties themselves to know the precise status of their past, present and future reporting obligations.

(iv) Membership of treaty bodies

This information would cover the administrative arrangements relating to the nomination and election processes, the biographical details of all candidates, the current and past composition of each treaty body and the date of expiration of each member's term of office. Its inclusion would facilitate the work of the Secretariat, improve the availability of membership lists, and facilitate analyses of membership characteristics.

(v) Basic committee texts and decisions by the meetings of States parties

The information would include the rules of procedure, the reporting guidelines and other such texts applicable in the case of each treaty body. In addition, it would include the texts of any decisions adopted by, or other information relevant to, the meetings of States parties to each of the relevant instruments.

(vi) States parties reports and related documents

In addition to the reports submitted by States parties (virtually all of which are already available in electronic form) this information would include either the text of, or a detailed reference to, any additional documentation submitted by each State party's representative in the course of presenting a report, as well as the text of supplementary reports, and any lists of issues or other documentation made available to States parties' representatives by a committee or a working group thereof. Inclusion of such information would ensure the availability of documentation which can currently be considered ephemeral, would enable comparative analyses to be undertaken on specific issues on the basis of information provided by States parties and would greatly facilitate the preparation of background analyses of the examination of previous reports to be used by the treaty bodies in examining subsequent reports. In addition, information on specific topics will be able to be extracted and will provide an invaluable basis for the elaboration of general comments, suggestions and recommendations of a general nature.

(vii) Annual reports of treaty bodies

The annual reports contain, inter alia: summaries of the examination of States parties reports; the text of all general comments, final views, recommendations, suggestions and such like adopted by the relevant committee; and a record of the methods of work adopted. Their inclusion in the data base would seem indispensable in view of the major importance of much of the material and the manifold uses to which it can be put.

(viii) Summary records

It has long been acknowledged that the summary records, which reflect not only the reasons underlying the approach adopted by the Committee but also the nuances of its dialogue with the representative of the State party, constitute an integral part of the Committee's work. Their inclusion in the data base would facilitate the retrieval of information relating to specific States and broader based comparative analyses of specific issues.

(ix) Follow-up activities

This category would include details of all resolutions adopted by United Nations organs relating to the work of the treaty bodies and specific references to the debates in those organs. The inclusion of such information in the data base would ensure more effective and systematic feedback to the treaty bodies and would facilitate a subsequent review of actions taken by the Committees in response.

(x) Reference documentation and information

This category would include, but not necessarily be limited to, detailed references to the following types of information: the text of human rights instruments other than those included in item (i) above; relevant resolutions of United Nations organs other than those included in item (ix) above; relevant reports and studies submitted to United Nations human rights organs; relevant reports prepared by the specialized agencies and other United Nations bodies; decisions and case law of regional human rights organizations

including the African Commission on Human Rights, the Inter-American Commission and Court of Human Rights and the European Commission and Court of Human Rights; and general bibliographical information. The inclusion of this information in the data base would be an important element in promoting better co-ordination among bodies dealing with comparable issues, facilitating greater consistency in the interpretation of norms, reducing the overlapping demands placed on States parties, and achieving many of the other goals identified by the General Assembly and the second meeting of chairpersons of human rights treaty bodies. Access to much of the relevant information could be obtained by linking the proposed data base to existing data bases within the United Nations, the specialized agencies and the regional organizations.

III. COMPARABLE DEVELOPMENTS IN OTHER PARTS OF THE UNITED NATIONS AND IN OTHER RELEVANT INTERNATIONAL ORGANIZATIONS

29. As the Secretary-General has noted (see para. 19 above), the United Nations, in general, has lagged behind in the development of information systems and most of its existing data bases will require profound revision, both as to their structure and in respect of the software tools by which they are accessed. However, the current trend within the Organization, actively stimulated by the Technical Innovation Board (TIB) established in 1987, is very much toward the development of new information systems and of more sophisticated applications.

30. The key factors in this process of innovation are the growing availability of powerful tools that can increase productivity; the expanding need for the sharing of data and of communications facilities; and resort to the logging and exchange of data between computers irrespective of vendor and siting. Decisions taken at Headquarters concerning strategies relating to inter-operability or technological innovation will undoubtedly have an important bearing on developments throughout the Organization.

31. A focal point in the quest for innovation being currently pursued by the New York Computing Centre is the Integrated Management Information System (IMIS) which, although not directly relevant to treaty-body related concerns, since it addresses administrative, financial and personnel matters, is nevertheless of considerable general interest. The IMIS is the first project devoted to rationalizing and making coherent a number of different hardware, software and data systems i.e., will address a variety of important areas of broad relevance such as methodology, communication; the establishment of new structures; criteria for technology selection; project management and prototyping techniques, option selection, the consistency of data organization, change strategy and software tools. The IMIS will affect United Nations computing centres worldwide. Accordingly, the project's future development as well as its accomplishments will need to be followed closely.

32. There are several existing data bases within the New York Computing Centre that are of potential relevance, such as the Multilateral Human Rights Agreements data base which forms part of the United Nations Treaty Information System (UNTIS) and the United Nations Bibliographic Information System (UNBIS), but they are generally obsolete both in terms of data and technology. The United Nations Statistical Information System (UNSIS)

contains potentially useful statistics in the areas of Energy, Industry, Population, National Accounts, Trade, Construction and Agriculture. A new data base, ORCIDATA which is to contain profile information on States, is currently under development but in view of the obsolescence of the New York Computing Centre's existing data new information will need to be collected for this system.

33. The Human Rights Documentation Centre at the Council of Europe maintains data bases relating to the case law of the Strasbourg organs, the status of signatures and ratifications (which is currently being extended to include reservations and declarations in full text), national case law, and bibliography (including a bibliography of scholarly writings on case law). This comprehensive information system is implemented on in-house mini-computers.

IV. PROPOSED SYSTEM ARCHITECTURE AND ITS FINANCIAL IMPLICATIONS

Introduction

34. The Task Force has studied in detail the needs of the various treaty bodies and of their Secretariat, the International Instruments Section of the Centre for Human Rights. Furthermore, in two technical reports prepared by two of the computer experts in the Task Force, the different technical options with regard to computerization of the section have been carefully studied. This chapter gives an overview of the system which the Task Force, on the basis of its deliberations, considers to be the most appropriate. 5/

35. In general, the system must be open and compatible with industry standards in order to contain costs and provide expandability and flexibility in the future. At the same time, the system architecture and hardware must be compatible with the existing computer equipment in the United Nations, exploit its potential as well as comply with all pertinent guidelines in force. The Task Force has, as far as possible, sought to avoid specifying the products of any particular manufacturer in order to ensure that a range of different suppliers might be utilized, as appropriate. In order to achieve these goals, the relevant officials of the Computing Centre of the United Nations Office at Geneva have been involved at all stages of the work.

A. Proposed computer hardware architecture

36. This section deals with the technical prerequisites in light of the above-mentioned considerations and provides specific recommendations for carrying out the project identified by the Centre for Human Rights.

1. Technical system objectives

37. The overall architecture of the proposed system has been defined by the Task Force in accordance with the following criteria:

(i) Existing infrastructure, resources and equipment must be integrated and utilized to their full potential. This makes the participation and co-operation of the Electronic Data Processing department of the United Nations Office at Geneva indispensable.

(ii) The solution must allow for a multi-vendor environment, thus permitting the use of equipment from a variety of vendors to be used.

(iii) The solution must be based, for all new hardware and software, on open standards, in order to contain costs and ensure compatibility with existing and future equipment.

(iv) The architecture must reflect the real flow of data, information and work methods of the service concerned in order to be effective.

(v) The use of each component of the system, as well as the total integrated solution, must be intuitive and user-friendly. To this end, the user interface must be built on a graphical user interface (GUI), programmed in line with industry standards (using the proper style guides) and provides for the use of icons and pointing device at all levels. Furthermore, the transfer of information from one application to another must be effortless.

38. In order to give effect to these principles, the proposed system architecture is composed of three levels, corresponding to the way in which the data and information are treated in the International Instruments Section of the Centre for Human Rights:

Level 1 Professional staff: Personal work station for each professional staff member, providing personal productivity tools and catering for data and information currently in use.

Level 2 Section (International Instruments Section (IIS)): Local file and data base server for the International Instruments Section, catering for the internal and active information, as well as providing a communication gateway, printing facilities, access to the optical disk document reproduction service, back-up and other necessary system services for the Section.

Level 3 Central, external access point: Main central data base server at the United Nations Office Geneva Computing Centre level providing information management and retrieval facilities for data and information used by both internal and external users.

39. In the following, a description of the equipment and basic system software proposed on the different levels is given.

2. Personal work station

40. It is proposed that each professional be equipped with one PC (Personal Computer) running OS/2 with Office Vision. Each work station will be equipped with a local area network connection (LAN), connecting the work station to the local departmental server. This will provide each professional staff member with a very user-friendly electronic work tool, enabling him/her to produce documents, retrieve and integrate information from the central as well as the local data base, manage the lists of treaty body membership and the administrative details relating to the reporting procedures, in addition to a number of everyday chores such as appointment scheduling, calculations, fax and telex production as well as communications through the United Nations world-wide communications network. All active data, i.e. data used actively

by one staff member, will reside on the PC's internal hard disk as long as it remains of interest only to that staff member (although back-up will be made on the server). More permanent information will be transferred to the local server or the central data base, depending on its nature, for easy access by others.

41. Employing a graphical windowing user interface and standard applications makes it possible to provide an integrated system where the user can work simultaneously with several applications and where information can be moved easily from application to application and machine to machine. Such a work station has the potential of greatly enhancing the productivity of each individual staff member.

3. Local server

42. The proposal provides for a relatively modest local server to be placed on the premises of the service concerned. The server should run OS/2 with a LAN (local area network) manager as well as a small number of specialized applications. All work stations will be connected to the system via the LAN.

43. The server is, in fact, a more powerful PC with expanded disk-capacity connected to a printer and a special device that enables multiple highspeed links between the personal work stations and the central data base located on the mainframe of the Computing Centre of the United Nations Office at Geneva.

44. The server will provide a platform for running a number of applications containing data common to all staff members of the service concerned, such as the treaty body membership programme, as well as electronic mail, section-wide appointment schedule systems, etc. The server will thus be a repository for information pertinent to the International Instruments Section but not to the external users.

45. The server will also play an important role as a communication gateway allowing both access to the central computer and to the world-wide United Nations communication network. Furthermore, it will enable efficient and safe back-up for the data on the personal work stations as well as fast exchange of files between the staff members.

4. Central data base

46. It is proposed that the mainframe of the Computing Centre of the United Nations Office at Geneva be utilized for applications which will manage information to be accessed by external users, in addition to staff members. The following information would be contained in the central data base:

(i) Text of treaties;
(ii) Status of conventions;
(iii) Status of State reports;
(iv) Rules of procedures;
(v) Texts of State reports;
(vi) Texts of summary records of committee meetings;
(vii) Texts of the annual reports of the treaty bodies;
(viii) Texts of analytical summaries, etc.

47. The mainframe of the Computing Centre of the United Nations Office at Geneva is connected to a world-wide network and has all facilities for providing access to the data bases 24 hours a day. Since there is spare capacity on the machine for the time being, it will reduce the necessary investment considerably.

48. The type of data base software that must be used for large, full text data bases like this, requires professional attendance, back-up procedures with large capacity tape stations, etc. With a small increase in the resources of the Computing Centre, the vast potential of the mainframe, the telephone and satellite communication exchange in place, etc, can be realized for the benefit of the Centre for Human Rights.

B. Proposed software application architecture

49. In this section, the objectives of introducing computerized support to the International Instruments Section are spelled out. Subsequently, the proposed applications are described.

1. Application support objectives

50. The proposed system is primarily aimed at supporting the following tasks:

(i) Supporting the professional staff of the International Instruments Section in discharging their support functions to the treaty bodies, as well as the expert members of these bodies. Since analytical work dominates their activities, the most important task of the information system will be to provide information necessary to undertake this activity.

(ii) Assisting the Governments of the Member States in complying with the requirements and the procedures of the treaties in question. Another important aspect, therefore, is to make all pertinent information available to Governments in a speedy manner.

51. In order to support this kind of activity, the system must be able to provide staff members with minutes of meetings, studies, published cases, and information from State reports. Access to this information must be easy, fast and reliable. The most important aspect of this is the way in which the information may be accessed, how relevance is assessed and how pertinent information may be integrated into new documents. New documents created through the use of the system must subsequently be integrated in the base of available information, to provide background information in the future.

52. In order to satisfy the needs defined, a number of applications are suggested. In general, it is advised that the work stations run OS/2 (the new standard operating system for PCs) with the new graphical windowing system Office Vision running on top, in order to be consistent with the principles set forth in section one of this chapter. This will provide a highly consistent and intuitive user environment where the user can work with many applications simultaneously in different windows of the screen. This windowing system will also provide the user with the ability to "cut and paste" information from any application running in one window to another application in another window.

53. The applications proposed can be split into two categories: personal productivity applications and data base applications. These categories are discussed below.

2. Personal staff productivity applications

54. This category includes obvious applications such as word processing, communications, appointment scheduling and other personal productivity tools. However, it is important to note that the whole computerization programme has the individual staff member's work as its objective. In line with the general developments in the business world, the International Instruments Section staff member will produce documents in a more direct and complete manner himself. As all the background information will be available electronically, the staff member will draft and revise the intellectual contents of his/her documents directly on the word processor. The work of the secretaries will be significantly reduced as they can concentrate on the layout and printing of the documents.

55. These functions will all be supported by standard applications that are embedded in the Office Vision package. They will be well integrated and their user interface consistent, since they form part of one complete package. Furthermore, Office Vision will be available on the mainframe as well, making it possible to provide the same programmes across the United Nations Office at Geneva.

56. The personal productivity tools will mostly be located on each PC giving excellent response times to the user and avoiding overloading of the central system. Some application will be located on the server, notably the data base on treaty body membership.

3. Data base applications

57. The important backbone of the application architecture is based on data base software, managing the information to be used with the other tools. Traditionally, data bases have only been tuned towards applications with structured data, like inventory control, accounting systems, etc. where the data are well-structured and can be managed in neat tables. Within the needs defined in chapter II, the data base for managing the treaty body membership and the status of the conventions (ratifications, applicability, declarations, etc.) requires this kind of data base tools.

58. There are multitudes of software packages, called Data Base Management Systems (DBMS), available which can do these jobs on the local server. As part of the Office Vision OS/2 combination, there will be a SQL-server data base available which will fit the requirements. On the mainframe of the Computing Centre of the United Nations Office at Geneva, the existing package Enquire would also be well suited.

59. However, the success of a computerized information system for the International Instruments Section will depend on the ability to handle large amounts of largely unstructured text in natural language, rather than structured data. Data base systems adapted to this kind of data are referred to as IRS (Information Retrieval Systems). Since this type of data base software is not available on the mainframe, it is proposed that an IR-system be purchased.

60. This highly specialized and relatively new data base technology will provide information in "electronic full text" form to staff members. It will be possible for staff members to open a new window while working with a document in a window, access the full text data bases and search for information on the desired topic across many different document types in one operation. In other words, the staff member could for example ask for all the paragraphs in the State reports, minutes of meetings and analytical summaries that deal with children and their right to measures of special protection. The staff may then review these paragraphs and paste, cut and copy any relevant parts directly into the document on which they are working. This will speed up their work tremendously.

61. In order to make this possible, the data bases must cover all the necessary information and, maybe most importantly, it must be possible to access it in a very sophisticated manner.

62. The proposal includes recommendations as to how the data bases should be loaded, including a comprehensive programme to deal with the backlog of existing documents. The United Nations is in the fortunate position that many of the documents, in the various languages, are available in electronic form. Before their inclusion in the data base, the texts will be modified slightly in order to introduce a meta structure necessary to make the texts suitable for efficient information retrieval. The IR-system to be procured must have a proper free text query language, enabling the user to define very complex retrieval conditions. The system must recognize such text entities as sentences and paragraphs as well as fields in the text. It should be able to use word and hit frequencies for ranking of result-lists, provide a thesaurus facility and be able to focus on paragraphs or sentences.

C. Timetable and costing

63. The Task Force considers that it would take approximately 18 months to make the system fully operational. The estimated initial (one-time only) cost for the proposed system is US$ 508,500, covering the following main categories of expenditures:

Hardware	$US 72,500
Software	80,000
Software development	47,700
Data base loading	170,000
Human resources	113,200
Training	25,100

The estimated annual recurrent cost for the system is $US 87,700. 6/

V. IMPACT OF THE PROPOSED SYSTEM

64. The Task Force considers that the need to develop appropriate information technology through the use of computers to assist the treaty bodies in the performance of their various functions is beyond doubt. The overall growth in the size and complexity of the treaty régime over the past decade has been enormous. In the future that trend can be expected to continue as more States become parties to existing treaties, as new treaties are adopted and new supervisory bodies established, and as the treaty régime as a whole grows in both complexity and sophistication. Since most of the treaty bodies have

already expressed the need for greater assistance from the Secretariat than can currently be provided and since new demands will continue to be generated three possible scenarios may be envisaged. Under the first, there would be a major increase in the number of staff available to the treaty bodies. Given existing constraints and the staff shortages already experienced in other areas this seems highly unlikely. Under the second scenario the ever-increasing needs of the treaty bodies would simply be ignored. The Task Force believes that this approach would have dire consequences not only for the treaty régime but for the overall United Nations human rights system. The third scenario is to move gradually towards the effective use of computerized information technology systems.

65. A recent report by the International Labour Office has concluded that "the most promising direction for improving public service productivity is office automation through development of IT (information technology) and computerization." 7/ The report notes three major categories of benefits that can flow from such an approach: reduced costs; increased resources; and the provision of better and often new services.

66. The Task Force believes that the productivity of the existing staff available to the treaty bodies can be greatly enhanced by computerization of the relevant data. Moreover, the range of services that can be made available to States and to the expert members of the relevant bodies can be expected to be significantly expanded. In the short term the cost will be significant. In the longer term, there would not appear to be any other alternative unless the entire treaty régime is to be permitted to collapse under the weight of the ever-increasing demands being placed upon it.

Notes

1/ Progress report on the pilot project on optical disk technology.

2/ See e.g. Hans Thoolen, "The Development of Legal Data Bases in Refugee Work", International Journal of Refugee Law, vol. 1, No. 1, 1989, pp. 89-100.

3/ Commission on Human Rights resolution 1989/46, para. 2.

4/ Commission on Human Rights resolution 1989/46, first preambular paragraph.

5/ Detailed specifications are available in the files of the Secretariat for consultation.

6/ A detailed break-down of the estimated costs is available in the files of the Secretariat for consultation.

7/ ILO, World Labour Report 1989, Vol. 4, p. 137.